IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5103 OF 2007

Jehangir Mohamed Ali Nayani.... Petitioner

versus

The Collector of Nasik
State Excise Dept. Nasik & ors..... Respondent.

Shri Girish Agarwal i/b. Ramesh M. Agarwal & Associates for the petitioner.
Ms. V.S.Mhaispurkar AGP for Respondents.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH AUGUST, 2007

P.C.;

1. Allowing the revision filed by the present petitioner the respsondent no.3, renewed the licence and the Collector was directed to take an entry in the licence that the said renewal is subject to the final decision of the criminal case which was then pending against the present petitioner. According to the petitioner, the criminal case has been disposed of and the petitioner has been acquitted. On account of the petitioner's acquittal, the petitiner has made a limited prayer for ex-punging the said entry taken in the licence that "the renewal is subject to the ultimate decision of the criminal case". The learned counsel for the petitioner submits that after the decision of the criminal case, the petitioner has

filed a revision before the State Government and the State Govermment has not taken any decision in the said revision. The revision filed by the petitioner appears to be wholly misconceived in as much as the petitioner could have moved an applicaiton before the Collector for expunging the entry which has been directed to be inserted in the licence by the order passed by the concerned Minister. The Writ Petition stands summarily dismissed with liberty to the petitioner to approach the respondent no.1 Collector, Nashik, State Excise, by making an appropriate application for expunging the entry which has been taken in the licence. The petitioner to move the application within four weeks from today.

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